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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHRISTOPHER JANUARY,) Case No.: SACV11-1133-AG (RNBx)
vs.)
TD SERVICE COMPANY,)
Defendants)
Plaintiff,)
) (PROPOSED) ORDER ON DEFENDANT
) T.D. SERVICE COMPANY'S MOTION TO
) DISMISS SECOND AMENDED
) COMPLAINT PURSUANT TO FRCP RULE
) 12(b)(6)
)
) DATE: January 9, 2012
) TIME: 10:00 a.m.
) COURTROOM: 10D

The court having considered all submissions concerning the motion by defendant T.D. Service Company to dismiss plaintiff's Second Amended Complaint pursuant to FRCP Rule 12(b)(6), and good cause appearing therefor, it is hereby ordered:

1. Plaintiff's cause of action for fraud by non-disclosure, including its subparts, is hereby dismissed with prejudice as not stating a proper claim against T.D. Service Company.

2. Plaintiff's cause of action for conversion is hereby dismissed with prejudice as not stating a proper claim against T.D. Service Company.

3. Plaintiff's cause of action for equitable estoppel is hereby dismissed with prejudice as not stating a proper claim against T.D. Service Company.

4. Plaintiff's cause of action for negligence/negligence per se is hereby dismissed with prejudice as not stating a proper claim against T.D. Service Company.

5. Plaintiff's cause of action for unjust enrichment is hereby dismissed with prejudice as not stating a proper claim against T.D. Service Company.

6. Plaintiff's cause of action for breach of the implied covenant of good faith and fair dealing, including its subparts, is hereby dismissed with prejudice as not stating a proper claim against T.D. Service Company.

7. Plaintiff's cause of action for intentional infliction of emotional distress is hereby dismissed with prejudice as not stating a proper claim against T.D. Service Company.

DATED: _____

Judge of the United States District Court

1040-2621

1 PROOF OF SERVICE (By Mail)
2 (CCP Section 1013a(3))

3 I am over the age of 18, and I am not a party to the within action. I am employed by THE
4 DREYFUSS FIRM, PLC, in the County of Orange, at 7700 Irvine Center Drive, Suite 710,
Irvine, CA 92618.

5 On November 16, 2011, I served the attached: **(Proposed) Order on Defendant T.D.**
6 **Service Company's Motion to Dismiss Second Amended Complaint** on the interested parties
in this action by placing true copies thereof in sealed envelopes, addressed as follows:

7 **Christopher January**
8 **1417 South Ridgeley Drive**
9 **Los Angeles, CA 90019**

10 [X] **(By Mail)** I placed said envelopes for collection and mailing, following ordinary
11 business practices, at the business offices of THE DREYFUSS FIRM, PLC at the address set
12 forth above, for deposit in the United States Postal Service. I am readily familiar with the
13 practice of THE DREYFUSS FIRM, PLC for collection and processing of correspondence for
mailing with the United States Postal Service, and said envelopes will be deposited with the
14 United States Postal Service on said date in the ordinary course of business. I am aware that on
15 motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in affidavit.

16 [] **(By Facsimile Transmission)** I served the above-described document on the
17 interested parties in this action by sending a true copy thereof by facsimile transmission
18 pursuant to California rules of Court, Rule 2009(i)2, from facsimile machine number (949)
19 450-0668. The facsimile machine I used complied with California Rules of Court, Rule
2003(3), and no error was reported by the machine. Pursuant to Rule 2009(i)4, I caused the
machine to print a transmission record of the transmission

20 I declare that I am employed in the office of a member of the Bar of this Court at whose
21 direction the service was made. I declare, under penalty of perjury under the laws of the State
22 of California, that the above is true and correct.

23 Executed on November 16, 2011, at Irvine, California.

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25 Roma Klein
26
27
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